

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Chittoor District - Assignment of Land Assigned in Sy.No. 423--2A, 2B, 3C etc., in Thumbakuppam and Thumbapalyam villages of Bangarupalem Mandal, Chittoor – Cancelled by the Joint Collector, Chittoor and modified by the Commissioners of Appeals, O/o CCLA., Hyderabad – Revision Petition filed by Sri C. Madhusudhana Reddy & (3) others – Orders – Issued.

REVENUE (ASSIGNMENT – IV) DEPARTMENT

G.O.Ms.No. 153

Dated:13 -02-2009.

Read the following:-

1. The Joint Collector, Chittoor D.Dis.(E2)/18036/98, dt.2-10-2002.
2. The Commissioner, Appeals O/o CCLA., Hyd.Procgs.No.BCW3/646 & 647/2002, dated. 29-6-2004.
3. Govt. Memo.No.17938/Assn.IV(2)/05, dated.17-10-2006 & Dated: 25-8-2007
4. Review Petition filed by Sri C. Madhusudhan Reddy, & (3) others, dated. 6-8-2007.
5. Govt. Memo.No.47106/Assn.IV(2)/2007, dated. 31-8-2007.
6. From Special Chief Secretary & Chief Commissioner of Land Administration, Hyderabad, Lr.No.Spl.B3/1503/2007-1, dated.12-9-2007.
7. Affidavit filed by Sri K. Amarendra and others dated.31-10-2008.

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ORDER :-

Sri C. Madhusudhana Reddy and (3) others have filed a R.P. before the Government requesting to stay the earlier orders passed by the Government in Revenue department, in Proceedings No. 17939/Assn.IV(2)/2005, dated. 17-10-2006. The details of the case are as follows:-

2. The MRO., Bangarupalyam had assigned lands in Sy.Nos. 423-2A, 3C, etc., in Thumbakuppam and Thumbapalyam Revenue Villages of Bangarupalyam Mandal Chittoor District in favour of Sri C. Madhusudhan Reddy (Ac. 7-49) Sri C. Raja Reddy (Ac.3-95) Sri C. Sudhakar Reddy (Ac. 5-86) and Smt. C. Hemalatha (Ac. 3-21) in the year 1990.

3. On a petition filed by Sri (late) M. Kuppaiah, F/o Sri K. Amarendra, who was the residents of Thumbapalem Village along with others, the Joint Collector, Chittoor vide orders dated. 12-9-1998 have cancelled the above assignments on the ground that they are wealthy pattadars and directed the MRO., to re-assign the lands to land – less poor people.

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4. On an appeal filed by Smt. C. Padmavathi w/o (late) C. Raja Reddy & others on 10-11-1998 before the Commissioner of Land Revenue Hyderabad. He has issued a specific direction to the District Collector, Chittoor on 11-11-98 remanding back the case to the Joint Collector, "directing to examine the eligibility of the Revision Petitioners on the date of assignment after considering all material papers on record and pass speaking orders", and on the another appeal filed by Sri C. Madhusudhana Reddy S/o Late Sri Raja Reddy and Smt. C. Hemalatha w/o C. Sudhakar Reddy, the Commissioner Land Revenue, Hyderabad vide letter dated. 12-11-1998 had remanding the case to the District Collector, Chittoor with a direction that:-

- a) "He has to conduct the scrutiny of material papers filed by the petitioner.
- b) The petitioner be given opportunity to explain the case to the Commissioner appointed i.e. RDO., and till such time the orders passed by the Joint Collector, Chittoor are stayed".

5. The Joint Collector, Chittoor, accordingly has directed Revenue Divisional Officer, Chittoor to enquire and submit a report to the Collector, Chittoor and after receipt of detailed analytical report's from the RDO., dt. 15-7-1999 and 28-10-1999, the Joint Collector, Chittoor has conducted hearings and after hearing the petitioners, he has issued orders on 2-10-2002 cancelling the assignments to the assignees mainly on the ground that they are the wealthy pattadars and directed the MRO., to resume the land to the Government.

6. Aggrieved by the above orders of the Joint Collector, Chittoor, Sri C. Madhusudhana Reddy & others have filed an appeal before the Commissioner of Appeals O/o Chief Commissioner of Land Administration, Hyderabad and the Commissioner of Appeals have issued orders dated. 29-6-2004 stating that "the Revision Petitioners are partly allowed and cases are remanded to the Joint Collector, Chittoor with a direction to the modify impugned orders suitable taking into account the analytic reports and recommendation of the RDO., Chittoor and Commissioner enquiry submitted in his letter dated. 15-7-99 and 28-10-99 allowing the extent to which they are eligible as on the date of assignment and resume the excess extent of Ac. 2-82 cents from Sri C. Madhusudhana Reddy and Ac. 1-19 Cents from Sri C. Sudhakar Reddy and proposed to cancel the assignments made in favour of Smt. C. Hemalatha alone since she was not separated from the family members of Sri C. Sudhakar Reddy, with the above direction the revision are disposed off to take follow up action as per rules".

7. On the above orders, Sri K. Amarendra S/o Late M. Kuppaiah, R/o Thumbapalam Village, has filed a Revision Petition before the Government, and the Govt., by its order dated. 17-10-2006 set aside the orders passed by the Commissioner of Appeals (dated. 29-6-2004) and confirmed the orders passed by the Joint Collector, Chittoor dated. 2-10-2002 and also directed the Collector, to pay compensation to respondents (i.e. Sri C. Madhusudhana Reddy & (3) others. They have filed a R.P. dated. 2-11-2006 before the Govt., and the Govt., have rejected the Review Petition filed by Sri C. Madhusudhana Reddy and (3) others and orders were issued accordingly in 17938/Assn.IV/2005, dated. 25-8-2007.

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8. Sri C. Madhusudhana Reddy and (3) others, have again filed a Review Petition before the Govt., for stay of the earlier orders of the Govt., dated. 17-10-2006. They have submitted that they are the landless poor persons and they are eligible for assignment of Govt., land. In the year 1990 the MRO., Bangarupalem issued "D" Form pattas in favour of them, only after taking approval of the Mandal Assignment Committee and they have invested huge amounts and planted mango trees in the said lands and now the age of the mango trees is about 17 years old. They have also submitted that, though the Joint Collector, have issued cancelling the assignments, the RDO., in his detailed analytical report has clearly stated that the sons of Sri C. Raja Reddy are married at the time of assignments and living in separate houses and recommended for allowing Ac. 4-67 to Sri C. Madhusudhana Reddy and C.R. Sudhakara Reddy each and for cancelling the entire assignments of Smt. C. Henmalatha and finally recommended for resuming the excess extent of land. They have also stated that the Commissioner of Appeals O/o CCLA., had also issued orders partly allowing the assigned lands as per eligibility and for resuming the excess lands to the Government. Finally, the petitioners have requested the Govt., to re-consider to stay the Proc., of Govt., in Proc., No. 17938/Assn.IV/05, dated. 17-10-2006 and re-examine the matter.

9. On the above R.P. Govt., have called for the remarks of the Chief Commissioner of Land Administration, Hyderabad vide Memo. dated. 31-8-2007. The Special Chief Secretary and Chief Commissioner of Land Administration, Hyderabad in his report dated. 12-9-2007 stated that earlier Sri C. Madhusudhana Reddy & others were filed on appeal against the orders of Joint Collector, Chittoor before Commissioner of Appeals and he has passed orders stating that the Revision Petition was partly allowed and case was remanded to the Joint Collector, Chittoor with a direction to modify the impugned orders suitably taking into account the analytic reports and recommendations of the RDO., dt. 15-7-1999 and 28-10-1999. As the orders of the Commissioner of Appeals, dated. 29-6-2004 are self-explanatory, he has not offered any further remarks in the matter.

10. In view of the above Govt., have re-examined the reports of the RDO / and the orders of the Joint Collector, Chittoor. It is observed that the RDO., after thorough enquiry, has furnished an analytical report recommending for resuming the excess extent of land Ac. 2.82 cents from Sri C. Madhusudhana Reddy, Ac. 1-19 Cents from the Sri C. Suidhakara Reddy, and entire extent of Ac. 3-21 cents from Smt. C. Hemalatha. The Joint Collector, Chittoor has issued orders cancelling the assignments mainly on the ground that they are the wealthy pattadars. However the Commissioner of Appeals O/o CCLA., Hyderabad has agreed to the recommendation of the RDO., Chittoor partly allowing the appeals and passed orders remanding the case back to the Joint Collector, Chittoor with a direction to modify the impugned orders suitably, keeping in view of the RDO., Recommendation dated. 15-7-1999 and 28-10-1999. The request made by the petitioner to Govt., that they have invested huge amount on the development of the land and to re-examine the issue interms of the orders of RDO., Chittoor and Commissioners Appeals O/o CCLA., Hyd., partly allowing their petition, have been examined by the Govt., However, the Govt., have again conducted an hearing on 1-11-2008, duly sending the notices to all the concerned, as well as MRO / Tahsildar, Bangarupalam. The Advocates for the petitioners and respondents and also MRO/Tahsildar, Bangarupalyam presented. The

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respondents i.e. Sri K. Amarendra & others have filed affidavits through their counsel, stating that they are withdrawing the original complaints filed before the Joint Collector, Chittoor, as well as all the petitioners / Counter petition etc., filed before the Government. They have stated that they have no objection to grant assignments in favour of revision petitioners herein, i.e. Sri C. Madhusudhana Reddy & (3) others. The revision petitioners have reiterated their earlier arguments that they have invested heavy amounts for development of the land.

11. Government after careful examination and in modification of earlier orders, hereby confirm the orders issued by the Commissioner of Appeals O/o Chief Commissioner of Land Administration, Hyderabad, Hyderabad in Procs. Dt. 29-6-2004.

12. The District Collector, Chittoor shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M. SAMUEL,
PRINCIPAL SECRETARY TO GOVERNMENT

To

The District Collector, Chittoor District.
The Chief Commissioner of Land Administration, Hyderabad.

Copy to:

Sri C. Madhusudhana Reddy & (3) others,
R/o Thumbakuppam Village and Post,
Bangarupalyam Mandal,
Chittoor District.

Sri K. Amarendra & Others,
R/o Thumbapalyam Village,
Bangarupalyam Mandal,
Chittoor.

The P.S. to Minister for Revenue.
The P.S. to Prl. Secretary to Govt., (Revenue)
SF/SC

//FORWARDED:: BY ORDER//

SECTION OFFICER